

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MARK KLIETHERMES,
ADAM KLIETHERMES,
RYAN KLIETHERMES, and DANA WOREK,

Plaintiffs,

vs.

MAURO TENA d/b/a Mt Express,
OSCAR MARTINEZ, and
GERMAN HERERRA,

Defendants.

Case No. 2:23-cv-04091-MDH

ORDER

Before the Court is State Farm Mutual Automobile Insurance Company's ("State Farm's") Motion to Intervene. (Doc. 12). The underlying matter involves a wrongful death lawsuit against Mt. Express, Oscar Martinez, and German Herrera, following the death of Kay Kliethermes. Ms. Kliethermes was killed following an automobile collision in September 2022.

State Farm contends that it wrote Ms. Kliethermes' underinsured motorist policy, "providing coverage for the loss sustained on September 8, 2022." (Doc. 12 at ¶ 3). State Farm also claims that, if Plaintiffs recover against Defendants and if Defendants are underinsured, State Farm's underinsured policy may provide coverage to Plaintiffs. Further, State Farm argues that without intervention, its interests in the underlying suit cannot be adequately represented and it would therefore suffer prejudice.

In Missouri, "an insurance company has the right to intervene in a lawsuit against an underinsured, where the company's policy may be implicated if the underinsured is found liable."

Kinney v. Schneider Nat'l Carriers, Inc., 213 S.W.3d 179, 183 (Mo. Ct. App. 2007). State Farm has indicated Plaintiffs have no objection to the intervention. Nor have Defendants filed an objection. Further, State Farm is an Illinois company and therefore intervention does not defeat diversity.

Accordingly, State Farm's Motion to Intervene is **GRANTED** pursuant to Federal Rule of Civil Procedure 24.

IT IS SO ORDERED.

Dated: June 13, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge